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UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States Parties

VENEZUELA

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INTRODUCTION

The chief purpose of this report is to give a short account of the situation regarding the rights of women in Venezuela, following their acquisition of the vote

On 18 December 1979, by resolution 34/180, the General Assembly of the United Nations approved the Convention on the Elimination of all Forms of Discrimination against Women, which came into force on 3 September 1981.

In 1982 Venezuela decreed the law approving the Convention on the Elimination of All Forms of Discrimination against Women.

Venezuelan women won the right to vote in 1947 and became entitled both to elect and to be elected, on the same footing as men.

PARTICIPATION OF THE VENEZUELAN WOMAN AT CONSTITUTIONAL LEVEL

The consolidation of the democratic process and the promulgation of the National Constitution have made possible the enunciation of the principle of equality and freedom as regards civil rights for women. This National Constitutio was approved in 1961 and in article 61 lays down the principle of the equality of all Venezuelans without discrimination based on race, sex, religious belief or social status.

The right of women to vote was introduced in Venezuela in 1947. The National Constitution of Venezuela, in articles 110 and 111, establishes that voting is a right and public function and that the exercise thereof shall be obligatory within the limits specified by law; similarly, all Venezuelans who have reached the age of 18 years and who are not under a civil or political disability are considered t be electors.

Article 112 of the Constitution states: "Electors who can read and write and who are older than 21 years shall be eligible and suitable for filling public offices, and shall be subject to no restrictions beyond those laid down in this Constitution and those deriving from the conditions of suitability required by law for the exercise of particular functions." This means that women enjoy voting rights giving maximum representation in respect of the executive, legislative and judicial powers.

Throughout democratic history, participation by women in corporate bodies has been developing at various levels, and today we see women among the ranks of ministers, magistrates, senators, deputies, ambassadors, councillors, consuls, mayors and prefects.

The following table shows the percentage, by sex, of persons elected to the Congress of the Republic and to Municipal Councils:*

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* Source: Social statistics - Venezuela 1983.

ELECTORAL YEAR

	Senators		Deputies		Councillors	
	Male	Female	Male	Female	Male	Female
1958	100.0	-	97.0	2.3	100.0	-
1963	100.0	-	98.0	2.0	96.0	4.0
1968	92.8	7.1	88.0	12.0	92.3	7.6
1973	97.6	2.4	97.5	2.5	93.8	6.1
1978	95.2	4.7	94.7	5.2	86.0	14.0
1983*	100.0	-	94.5	6.0	-	-
1984	-	-	-	-	78.52	21.48

WORK AND SOCIAL SECURITY STATUS OF WOMEN IN VENEZUELA

The Venezuelan Administrative Legal Order guarantees the principle of equal pay for workers without legal discrimination on grounds of sex. Venezuela has ratified the following Conventions on the subject adopted by the International Labour Organisation (ILO).

- Convention concerning the employment of women during the night, 1934, ratified by Venezuela in 1944.

- Convention concerning the employment of women on underground work, 1935, ratified by Venezuela in 1944.

- Convention No. 3 concerning the employment of women before and after childbirth, 1919, ratified by Venezuela in 1945.

- Convention No. 100 concerning equal remuneration, 1951, ratified by Venezuela in 1981.

- Convention No. 103 concerning maternity protection, ratified by Venezuela in 1981.

- Convention No. 111 concerning discrimination in respect of employment and occupation, ratified by Venezuela in 1964.

SOCIAL BENEFITS, PENSIONS AND LABOUR ACCIDENTS AND OCCUPATIONAL DISEASES

According to law, Venezuelan women have the same rights and entitlements as men. They may retire on grounds of age five years before men; they hold the same rights as men under the Social Security Act.

ACCESS BY WOMEN TO EDUCATION

The National Constitution grants to all Venezuelans, men and women, the right to education. Article 6 of the Organic Law on Education establishes the right of all persons to receive an education appropriate to their talents and aspirations, adequate for their vocation, and subject to the requirements of the national or local interest, with no form of discrimination based on race, sex, religious beliefs, economic or social status or any other grounds.

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* Unofficial data.

CHRONOLOGICAL LISTING OF REGISTERED STUDENTS, BY EDUCATIONAL LEVEL AND SEX
(IN THOUSANDS)

School year 1983-1984

Educational level	Male	Female
Pre-school	262.18	261.14
Primary	1 389.18	1 302.20
Intermediate	453.86	509.50
Basic	339.44	387.41
Diversified and technical	114.43	122.09
Secondary	88.22	97.12
Technical	26.20	24.98
Normal	-	-
Higher	196.75	179.46
Universities	146.40	127.25
Pedagogical University Institutes	14.04	23.60
Polytechnical University Institutes	5.65	1.22
Technological University Institutes	22.32	16.50
University colleges	8.33	10.90

Source: Statistical Yearbook of the Ministry of Education for 1984. Statistical Bulletin of the National Council of Universities for 1984. Memorandum and Report of the Ministry of Education, 1984.

VENEZUELAN CIVIL AND CRIMINAL LAW REGARDING WOMEN

The Code of Civil Procedure establishes no difference between men and women as regards participation in legal acts. Women may be plaintiff, defendant, or witness, they may bring civil actions and validly offer any other type of evidence.

As regards criminal law, women are governed by the same criminal procedure as men, and are liable to the same penalties and punishments.

With regard to adultery, existing Venezuelan law includes certain discriminatory provisions with respect to the penalties imposed on women for committing this offence, the punishment being from six months to three years imprisonment, as compared with the case of men, for whom the penalty is less (three to 18 months) and whose offence must be proven to have been of a public and notorious nature.

However, as regards the offence of adultery in Venezuela, criminal court judges of the first instance assert that if we look into the statistics for the frequency of court proceedings in connection with this offence, we could state that in Venezuela adultery is not tried under criminal law because, from the point of view of jurisprudence, the trial results are few or nil.

THE CIVIL CODE AND THE STATUS OF WOMEN

Before the amendment of the Civil Code in July 1982, the married woman was discriminated against with respect to her husband. Before the reform the husband was entitled to take all the decisions affecting the marriage and he was the administrator of the joint property.

The Act on Partial Amendment of the Civil Code laid down three situations in which both members of the couple are equal, situations which are of basic importance in a democratic society. These are:

(1) The equality of the spouses before the law: equality of rights and duties within the marriage and in the matter of financial relations governed by the property arrangements which they adopt.

(2) Equal status of parents in respect of children. Previously, parental authority lay with the father.

(3) Equality of children. All children, whether born in or out of wedlock, are now legitimate and have the same rights to be assisted by their father with regard to maintenance payments and rights of inheritance.

WOMEN AND THE COMMERCIAL CODE

In Venezuela commercial law grants to women full rights to engage in business. Since the amendment of the Civil Code, both husband and wife require the consent of the other spouse in order to undertake any commercial transaction.

GOVERNMENT ADMINISTRATIVE ACTION RESPECTING WOMEN

As from February 1984, the National Women's Office and the General Sectoral Directorate for the Family were established within the Ministry of Youth. At the regional level, Regional Women's Offices are being set up in co-ordination with the regional authorities.

RESTRICTIONS

As far as work by women is concerned, there are a number of prohibitions which are not applied to men. These prohibitions are as follows:

- Prohibition of women from carrying on night work. This can be performed only within certain limits laid down by law, and which accord with the provisions of the ILO Convention concerning the employment of women during the night.

- The law prohibits women from engaging in what is classed as heavy, dangerous or unhealthy work.

- Our labour legislation forbids the employment of women in undertakings which are prejudicial to morals or good behaviour, without specifying what these undertakings are.

Female workers do not have available sufficient services to support them in their domestic work (day nurseries and kindergartens, laundries, low-cost restaurants). This situation causes a double day for the female worker, the working day and domestic work. This naturally constitutes a discriminatory situation for women who go out to work.

Accordingly, work is now going on in Venezuela for the amendment of the labour law at present in force in order to bring it into agreement with the principles of the Convention on the Elimination of all Forms of Discrimination against Women, which was approved by Venezuela in June 1982.

This draft amendment of the Labour Law provides for the amendment of the articles which discriminate against women in matters relating to work and equal pay and also to the protection of mothers.

Another important factor discriminating against women is that the census and statistical returns consider women engaged exclusively in domestic work as "without occupation", whereas the economic and social value of such work is in fact important in our society.

Although the status of women at constitutional level is firmly based on equality before the law, this legal situation does not guarantee equality of opportunities in all the spheres of national life.

There still exist values, attitudes and behaviour patterns which prevent the complete integration of women. Equality of rights facilitates the achievement of equality of status, but efforts are still needed to encourage and bring about a change in attitude based on negative stereotypes.

A study is now being made of stereotypes and their effects in order to promote changes in the text of school books, teaching materials and the messages conveyed by the media.